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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,298	07/24/2002	Naomi Watanabe	4083-020383	2834

7590 03/26/2004

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EXAMINER	
FINEMAN, LEE A	
ART UNIT	**PAPER NUMBER**
2872	

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/070,298	WATANABE, NAOMI	
	Examiner	Art Unit	
	Lee Fineman	2872	AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 24 July 2002 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 6.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "53" in fig. 1 has been used to designate both the second optical member and the second ocular. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-7 are objected to because of the following informalities:

In claim 1, "the reticle" lacks antecedent basis. Also, the phrase "can be" is objected to because it is unclear whether the limitations following the phrase are part of the claimed invention. The examiner suggest --so that said attached case turns round said second objective optical axis--.

The dependent claims inherit the deficiencies of the claims from which they depend. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagisawa, U.S. Patent No. 5,071,242 in view of WO 88/02125 (henceforth WO-125) and Heidmann et al., U.S. Patent No. 4,671,165.

Yanagisawa discloses a pair of binoculars (fig. 55) which comprises a first observation optical system comprising a first optical member for forming an erecting image (prisms in 848) a first objective optical system (833) that together with said first optical member determines a first objective optical axis (l'), and a first ocular optical system (in 847b) that determines together with said first optical member a first ocular optical axis (fig. 55); a second observation optical system comprising a second optical member for forming an erecting image (prisms in 836), said second member being placed parallel with said first optical member (fig. 55), a second objective optical system (833) that determines together with said second optical member a second objective optical axis (l), and a second ocular optical system (839) that determines together with said second optical member a second ocular optical axis (fig. 55); a main case accommodating (832a, 848, 847b) said first observation optical system and said second objective optical system; an attached case (836, 832b) accommodating said second ocular optical system and said second optical member, said attached case being placed on said main case so that said attached case can be turned round said second objective optical axis (column 22, lines 61-68). Yanagawa discloses the claimed invention except for a laser range-finding means accommodated in said main case; a measured distance displaying means comprising LCD means for displaying a distance measured by said laser range-finding means, said LCD means being placed at a part off a light path formed by said first observation optical system, and a displaying optical system for projecting the distance displayed by said LCD means on the reticle so that the distance is shown at a rim of the

visual field; wherein said displaying optical system comprises are relay lens and a reflecting mirror; wherein said laser range-finding means comprises a laser emitter for emitting a laser beam to an object, a laser beam receiver for receiving the laser beam reflected by the object, and range-finding means for measuring the distance between the binoculars and said object based on the length of time from the emission of said laser beam to the receiving thereof; wherein said laser emitter comprises a laser diode emitting an infrared ray, and a plate beam splitter or prism beam splitter placed on the second objective optical axis, said splitter reflecting the infrared ray emitted by the laser diode, whereby the infrared ray is sent to said object through the second objective optical system, and said splitter transmitting visible light incoming through the second objective optical system; wherein said first optical member is a beam splitter that separates infrared ray from visible light and takes the separated infrared ray out of the light path of said first observation optical system; wherein said laser beam receiver receives an infrared ray that was emitted by the laser emitter to an object, reflected by said object, sent into the light path of said first observation optical system, and separated by said first optical member; and wherein said laser diode and said laser beam receiver are placed at a part off a light path formed by said first observation optical system and in the opposite side of the second observation optical system. WO-125 teaches binoculars (fig. 1) with a laser range-finding means (5, 15, 30) accommodated therein (abstract); measured distance displaying means (20) for displaying a distance measured by said laser range-finding means which is placed at a part off (fig. 1) a light path formed by said first observation optical system (s2); wherein said laser range-finding means comprises a laser emitter (15, WO-125) for emitting a laser beam to an object, a laser beam receiver (5, WO-125) for receiving the laser beam reflected by the object, and range-finding means (30) for

measuring the distance between the binoculars and said object based on the length of time from the emission of said laser beam to the receiving thereof; wherein said laser emitter comprises a laser diode (15) emitting an infrared ray (abstract), and a plate beam splitter or prism beam splitter (4) placed on the second objective optical axis (S1), said splitter reflecting the infrared ray emitted by the laser diode, whereby the infrared ray is sent to said object through the second objective optical system, and said splitter transmitting visible light incoming through the second objective optical system (fig. 1); wherein a first optical member (14) is a beam splitter that separates infrared ray from visible light and takes the separated infrared ray out of the light path of said first observation optical system (fig. 1); wherein said laser beam receiver (5) receives an infrared ray (fig. 1) that was emitted by the laser emitter (15) to an object, reflected by said object, sent into the light path of said first observation optical system (S2), and separated by said first optical member (14); and wherein said laser diode (15) and said laser beam receiver (5) are placed at a part off a light path formed by said first observation optical system (S2) and in the opposite side of the second observation optical system (S1) . It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the laser range-finding means and measured distance displaying means into the binoculars, e.g. into the main case, of Yanagawa as suggested by WO-125 to provide a handy measurement device for precise three-dimensional location of objects (abstract, WO-125). Heidmann et al. further teaches a range-finding means (figs. 3 and 4) wherein the displaying means comprises an LCD means (105) and said LCD means being placed at a part off a light path formed by the observation optical system, and a displaying optical system for projecting the distance displayed by said LCD means on the reticle (124) so that the distance is shown at a rim of the visual field (fig. 4); and wherein said

displaying optical system comprises are relay lens (128) and a reflecting mirror (125). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the displaying means be an LCD as suggested by Heidmann et al. as LCDs are commonly available in sizes appropriate to binoculars. Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a reticle and the displaying optical system of Heidmann et al. to provide guides when pointing at/identifying the object to be measured.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (571) 272-2313. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-23124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LAF
March 19, 2004

MARK A. ROBINSON
PRIMARY EXAMINER